



Wichita Police Department Policy Manual

Approved by: _____

Policy 527 – Gang Offenders

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Maintained by: Persons
Crimes

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- 527.01 A detective assigned to the Gang/Felony Assault section along with the assistance of the Gang Officers will monitor active gang members for any violations of probation/parole, bond and pretrial restrictions and will immediately report this to the proper supervising authorities with the intent of removing the offender from the community.
- 527.02 The Wichita Police Department Master Gang List is confidential. Information from the Master Gang List will be released only to commissioned law enforcement officers or those persons authorized by the supervisor of the Gang/Felony Assault section, Night Investigation or Person Crimes Bureau Commander.
- 527.03 A gang member or associate will be identified by using the code Signal 33.

NOMINATION PROCEDURE:

- 527.04 Any officer may nominate a person to be added to the Master Gang List by routing the nominee's personal information to the Gang Unit through departmental mail. The information will be researched by a detective in the Gang/Felony Assault section or by a Gang Officer. Submittals should be in the form of Officer's Reports, Incident Reports, or a blue Gang Card [Form 322-512]. The individual will be added to the Master Gang List if they meet the criteria in policy 527.05.

DEFINITIONS

- 527.05 *According to K.S.A. 21-6313, a Criminal Street Gang member is a person who:*

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- A. Admits to criminal street gang membership;
- B. Meets three (3) or more of the following criteria:
 - 1. Is identified as a criminal street gang member by a parent or guardian;
 - 2. Is identified as a criminal street gang member by a state, county or city law enforcement officer or correctional officer or documented reliable informant;
 - 3. Is identified as a criminal street gang member by an informant of previously untested reliability and such identification is corroborated by independent information;
 - 4. Resides in or frequents a particular criminal street gang's area and adopts such gang's style of dress, color, use of hand signs or tattoos, and associates with known criminal street gang members;
 - 5. Has been arrested more than once in the company of identified criminal street gang members for offenses, which are consistent with usual criminal street gang activity;
 - 6. Is identified as a criminal street gang member by physical evidence including, but not limited to, photographs or other documentation.
 - 7. Has been stopped in the company of known criminal street gang members two or more times;
 - 8. Has participated in or undergone activities self-identified or identified by a reliable informant as a criminal street gang initiation ritual.

According to K.S.A 21-6313 (D), a Criminal Street Gang Associate is a person who:

- A. Admits to criminal street gang association;
- B. Meets two (2) or more defining criteria for criminal street gang membership.

RECRUITING CRIMINAL STREET GANG MEMBERS(K.S.A. 21-6314); CRIMINAL STREET GANG INTIMIDATION (K.S.A. 21-6315) ; BONDING OF CRIMINAL STREET GANG MEMBERS (K.S.A. 21-6316)

- 527.06 R
- A. Recruiting criminal street gang membership is causing, encouraging, soliciting or recruiting another person to join a criminal street gang that requires, as a condition of membership or continued membership, the commission of any crime or membership initiation by submission to a sexual or physical assault that is criminal in nature, or would be criminal absent consent by the initiated.
 - B. Criminal street gang intimidation is the communication, directly or indirectly with another, any threat of personal injury or actual personal injury to another or any threat of damage or actual damage to property of another with the intent to:
 - 1. Deter such person from assisting a criminal street gang member or associate to withdraw from such criminal street gang; or

2. Punish or retaliate against such person for having withdrawn from a criminal street gang.
- C. When a criminal street gang member, as defined in section 2, and amendments thereto, is arrested for a person felony, bail shall be at least \$50,000 cash or surety, unless the court determines on the record that the defendant is not likely to re-offend, an appropriate intensive pre-trial supervision program is available and the defendant agrees to comply with the mandate of such pre-trial supervision.
- D. If a criminal street gang member is arrested for a person felony as defined by Kansas State Statutes, then the following process will be followed:
 1. The arresting officer will access the gang database through an available gang officer or gang detective, or by running the individual's name on the computer containing access to the gang database available at each sub-station.
 2. The officer will complete an arrest affidavit documenting the facts of the case and include a sentence pertaining to the arrestee's gang affiliation. The affidavit will contain the following sentences:

The arrested party is a documented criminal street gang member as defined in K.S.A.21-6313. The arrested party meets State guidelines for a criminal street gang member, and was documented in the W.P.D. gang database on _____(date) as a member of the _____(name of gang) criminal street gang.

RADIO SIGNALS:

- 527.07 Members of the S.P.I.D.E.R. Unit of the Wichita Police Department Records Bureau shall notify officers if a records check of an individual reveals that he/she is listed in the Wichita Police Department computer as a gang member or associate by the use of Signal 33.